IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 25070 of 2005

Between:

Shaik Masthan Vali

..... PETITIONER

AND

District Collector, Prakasam District,

Ongole and 5 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the order dated 09.11.2005 in Rc.CS2/3781/2005 passed by the 1st respondent thereby granting stay of operation of order dated 10.10.2005 in Rc.CS2/4595/2004 passed by the 2nd respondent, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner is a fair price shop dealer of Markapur Town, Shop No.8. On certain irregularities said to have been committed by the petitioner, the authorization of the petitioner was cancelled by order dated 13.10.2004. Against the said order, the petitioner filed an appeal before the 2nd respondent and the 2nd respondent, by order dated 10.10.2005, allowed the appeal, setting aside the order of the 3rd respondent in cancelling the authorization of the petitioner. Aggrieved by the same, respondents 5 and 6 filed a revision before the 1st respondent, and the revisional authority, without issuing any notice, granted ex parte prohibitory order dated 09.11.2005, staying the operation of the order of the appellate authority. Aggrieved by the said order, this writ petition is filed.

It is stated that respondents 5 and 6 are not even cardholders within jurisdiction of the petitioner fair price shop, and therefore, it cannot be said that they are the aggrieved persons. But, however, I am of the opinion that when the main appeal itself is allowed on merits, the revisional authority ought not to have granted stay of appellate authority order, more so, the allegations against the petitioner are trivial in nature.

Having regard to the facts and circumstances of the case, the impugned order dated 09.11.2005 is set aside. The revisional authority/1st respondent is directed to dispose of the revision itself, after giving reasonable opportunity to the petitioner as well as to the respondents 5 and 6, as expeditiously as possible.

With the above observations, the Writ Petition is allowed. No order as to costs.

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V.ESWARAIAH,J

Dated: 24.11.2005

Dsr

Note:

Issue CC in three days

B/o

Dsr